1946 — File No. B. City-Pol. 46

Legal DEPARTMENT

B BRANCH

P 22(E) 1946

K

Subject:—

A Bill to amend the City of Bombay Police Act, 1902.

L.A. Bill No. XX of 1946.

Bom. Act No. XV of 1946.

File No. B. City. Pol. 1/46

Std. Sectt. Slip 24 B c.

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LP.
1/5/56.

Office of the R.L.A.

The draft Bill has been prepared in accordance with the oral instructions received from H.M.(L.D.) and H.M. (H.D.). It amalgamates the provisions suggested in H.D. files 7057/3, 500/5 and 3878/4-II. Opportunity has been taken to delete reference to section 121 of the City of Bombay Police Act, 1902 from section 33. Section 121 has been repealed by the Bombay Beggars Act, 1945.

2. The subject matter of the Bill falls under entries 1,2,3,14 and 37 in the Provincial Legislative List and entry 2 in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act.

3. The Bill affects the special responsibility of the Governor under section 52(1)(a) of the said Act. The Bill also requires the previous sanction of the Governor in his discretion under section 108(2)(ii) of the Act.

The H.D. will no doubt prepare the draft S.O.R. for the Bill.

Sd. P.N.Moos
16/8/46
Remembrancer of Legal Affairs.

U.R.to H.D.,No.370-P, dated the 16th August 1946.

MRP.
21/5/56.

Legal Department.

The Bills to amend the Bombay District Police Act, 1890 and to amend the City of Bombay Police Act, 1902, having been published in the Bombay Government Gazette dated the 28th August 1946, these papers are returned to the Home Department for further action and for submitting them to H.M.(Home) for his use at the time of introducting the Bills. The H.D. may now arrange to give the necessary notices to the Secretary to the Bombay Legislative Assembly in the appended forms. That Department is also requested to obtain the previous sanction of the Governor under section 108(2)(ii) of the Government of India Act, 1935.

The Home Department is also requested to obtain orders of Government as to whether or not the proposed Act to amend the Bombay District Police Act, 1890, should be applied to the partially excluded areas in the Province.

Sd. S.L.Chaudari
Assistant Secretary to Government.

U.R.to H.D.,No.557-L, dated the 2nd September 1946.

MRP.
21/8/56.

Office of the R.L.A.

Section 25A of the Bombay District Police Act, 1890, empowers the Magistrate —

(1) to determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly;

(2) to declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(3) to require the Collector to recover the amount so determined in such proportions as the Magistrate of the district may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons.

A section is a group of persons separated from the rest of the community by certain common charecteristics that are essential to the individuals composing that group. All the individuals composing a section must possess a certain easily ascertainable distinguishing mark. Adherence to a caste is such an easily ascertainable distinguishing mark so as to separate the individuals possessing that mark from other individuals. Hindus and Muslims each form a separate section and accordingly it would be open to the Magistrate under section 25A of the District Police Act, 1890, to recover the amount of compensation from one section of the inhabitants of a local area and pay it to another section of the inhabitants of the same area. It would be possible to amend the Bombay City Police Act, 1902, on the lines of the District Police Act, 1890, and if necessary make a further provisions therein restricting the payment of compensation by such persons only as are enrolled in the municipal election roll as voters. Such a provision will be relatable to entry 1 in List II of the Seventh Schedule to the Government of India Act, 1935, and as such will be within the competence of the Provincial Legislature.

Sd. P.N.Koos
24/8/46.
Remembrancer of Legal Affairs.

U.R.to H.D.,No.5925, dated the 27th August 1946.

RP.
/5/56.

No.1032-L.
Legal Department,
Council Hall, Poona, 27th September 1946.

From

P.N.Moos, Esquire, C.I.E., I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the City of Bombay Police Act, 1902.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, an authentic copy of the Bill to amend the City of Bombay Police Act, 1902, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 24th and 25th September 1946 respectively.

2. The Bill affects the special responsibility of the Governor under section 52(1)(a) of the Government of India Act, 1935. None of the provisions of the Bill falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 1, 2,3 and 37 in the Provincial Legislative List and entry 2 in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act.

4. The Bill does not contain any provision repugnant to the provisions of any earlier Federal law or an existing Indian Law with respect to any of the matters enumerated in the Concurrent Legislative List. It is not therefore necessary to reserve the Bill for consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I also forward herewith one copy of each of the papers noted in the margin. The Bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.

7. Extracts from the proceedings of the Bombay Legislative Assembly and the Bombay Legislative Council will be forwarded in due course.

8. It is requested that His Excellency the Governor may be moved to give his assent to the Bill before the 1st October 1946 as the new Act must come into force on that date.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. P.H.Moos
27/9/46

Secretary to the Government of Bombay,

Legal Department.

Through the Secretary to the Government of Bombay,

Home Department.

MRP.
21/5/56.

No.G.S.3073.

Office of the Governor's Secretay
Government House.

From

D. Symington, Esquire, CIE. ICS.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Ganeshkhind, 28th September 1946.

Subject:- CITY OF BOMBAY POLICE (AMENDMENT) BILL, 1946.

Sir,

With reference to your letter No.1032-L, dated 27th September 1946, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the City of Bombay Police (Amendment) Bill, 1946.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. D.Symington,
Secretary to the Governor of Bombay.

MRP.
21/5/56.

BILLS.

A Bill to amend the City of Bombay Police Act, 1902.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.541-L.
Council Hall, Poona, 27th August 1946.

Memorandum from the Home Department, dated the 27th August 1946.- Transferring for necessary action, the papers relating to a Bill to amend the City of Bombay Police Act, 1902.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 28th August 1946, as Bill No.XX of 1946.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 2nd September 1946.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Original Sd. S.L.Chaudari

Assistant Secretary to the Government of Bombay,
Legal Department.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly and 25 copies for the use of the Legal Department).

The Home Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Assembly,
The Director of Information,
} with a copy of the Bill and S.O.R.

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*With five extra copies of the Bill.

MRP.
21/5/56.

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L. A. BILL No. XX OF 1946.

A Bill to amend the City of Bombay Police Act, 1902.

Bom. IV of 1902.

WHEREAS it is expedient to amend the City of Bombay Police Act, 1902, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the City of Bombay Police (Amendment) Act, 1946.

Amendment of section 27 of Bom. IV of 1902.

Bom. IV of 1902.

2. In section 27 of the City of Bombay Police Act, 1902 (hereinafter called the City Police Act),—

(*a*) for the words "to such place or places, by such route or routes" the words "outside the Province or to such place within the Province and by such route" shall be substituted;

(*b*) in sub-section (*2A*) the words "more than", and the words "and if such person was not born in the Thana District, not to enter the Thana District also. A copy of such direction shall be forwarded to the Magistrate of the Thana District" shall be deleted;

(*c*) in sub-section (*2B*) the words "or the Thana District" shall be deleted;

(*d*) in clause (*iii*) of sub-section (*2C*) for the words beginning with the words "by an order" and ending

with the words " shall prescribe " the following shall be substituted, namely :—

"(*1*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person—

(*a*) so to conduct himself as the Commissioner of Police shall deem necessary in order to prevent the disturbance of the peace,

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Commissioner of Police shall prescribe,

or

(*2*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

Provided further that any order made under this clause shall cease to have effect on the proclamation of emergency ceasing to operate."

(*e*) for clauses (*iv*), (*v*), (*vi*) and (*vii*) of sub-section (*2C*) the following clauses shall be substituted, namely :—

" (*iv*) The Commissioner of Police shall forthwith submit to the Provincial Government a copy of every order of detention made under clause (*iii*), together with the grounds on which it is made.

(*v*) So long as there is in force in respect of any person an order of detention passed under clause (*iii*), he shall be liable to be detained in such place and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf."

(*f*) for sub-section (*3*) the following shall be substituted, namely :

Procedure on failure of persons to leave Greater Bombay and his entry therein after removal.

"(*3A*) If a person to whom a direction has been issued under this section to remove himself from Greater Bombay—

(*i*) fails to remove himself,

or

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(*ii*) having removed himself, except with the permission in writing of the Commissioner of Police, enters Greater Bombay—

(*a*) if the direction was issued under sub-section (*1*), within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*2*) or (*2A*), at any time,

(*c*) if the direction was issued under sub-section (*2C*) during the continuance of the proclamation of emergency,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside the Greater Bombay as he may in each case prescribe.

(*3B*) Notwithstanding anything contained in sub-section (*3A*) any person entering Greater Bombay in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause shall be punished with imprisonment for a term which may extend to two years but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine."

Amendment of section 33 of Bom. IV of 1902.

3. In section 33 of the City Police Act, in clause (*i*) the figures "121" shall be deleted.

Amendment of section 127 of Bom. IV of 1902.

4. In section 127 of the City Police Act, for clause (*ii*) the following shall be substituted, namely :—

"(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23 or an order made under sub-section (*1*) of section 24 or 25, or in any case falling under clause (*c*) of this section be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine;".

Deletion of section 128 of Bom. IV of 1902.

5. Section 128 of the City Police Act shall be deleted.

Saving of directions made under section 46 (*2*) of Bom. IV of 1890 and under section 27 (*2A*) of Bom. IV of 1902.

6. Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act—

(*i*) under sub-section (*2*) of section 46 of the Bombay District Police Act, 1890, prohibiting the entry of any person into Greater Bombay,

Bom. IV of 1890.

or

(*ii*) under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902, prohibiting the entry of any person into the Thana District, Bom. IV of 1902.

and a contravention of such direction shall be deemed if falling under sub-clause (*i*) to be a contravention of a direction made by the Commissioner of Police under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902, and if falling under sub-clause (*ii*) to be a contravention of a direction made by the Magistrate of the Thana District under sub-section (*2*) of section 46 of the Bombay District Police Act, 1890. Bom. IV of 1902. Bom. IV of 1890.

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Amendment of the City of Bombay Police Act.

STATEMENT OF OBJECTS AND REASONS.

Disturbances in Bombay city in recent years have shown the necessity of increasing the powers of the Commissioner of Police to deal with emergencies. It is proposed to make penal failure of a person to remove himself during the period of proclamation of emergency made by the Provincial Government. It is proposed also during the pendency of a proclamation of emergency to give the Commissioner of Police power to detain any person considered likely to disturb the public peace for periods not exceeding 15 days at a time provided the total period of detention shall not exceed a period of two months without the orders of the Provincial Government. Enhanced penalties are also provided for offences against orders of the Commissioner of Police passed in preservation of public peace or public safety.

2. As it has been found that the existing powers of the Commissioner of Police of externment outside Greater Bombay are not sufficient, as persons so externed can at present reside in the suburbs, it has been provided that the Commissioner of Police may extern from outside the Thana District as well all persons against whom he passes orders of externment except those who are natives of that District. The Commissioner is also provided explicitly with powers to extern from the Province.

3. As a separate Beggars Act has been introduced in which the circumstances in which Police Officers may arrest beggars have been laid down, reference to the arrest of beggars in the Police powers of arrest in section 33 has been omitted.

MIS Bk H 615—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

~~Agila.~~

Publication of the City of Bombay Police (Amendment) Act, 1946.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.1039-L.

Council Hall, Poona, 28th September 1946.

Letter to the Secretary to the Governor, No. 1032-L, dated the 28th September 1946.

Letter from the Secretary to the Governor, No.G.S.3073, dated the 28th September 1946.

"With reference to your letter No.1032-L, dated the 27th September 1946, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the City of Bombay Police (Amendment) Bill, 1946."

RESOLUTION:- The law should be published as Bombay Act No.XV of 1946 in the Bombay Government Gazette, dated the 30th September 1946.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department with reference to the memorandum from that Department dated the 27th August 1946.

By order of the Governor of Bombay,

Original Sd. S.L.Chaudhari,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department).

The Home Department,
*The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly,
The Director of Information, Bombay,
} with a copy of the Act.

*With five extra copies of the Act.

MRP.
21/5/56.

Bombay Act No. XX of 1946.

~~L. A. BILL No. XX OF 1946.~~

An Act to amend the City of Bombay Police Act, 1902.

(As read for the third time and passed by the Legislative Assembly on the 24th September 1946.)

(As read for the third time and passed by the Legislative Council on the 25th September 1946.)

Bom. IV of 1902.

WHEREAS it is expedient to amend the City of Bombay Police Act, 1902, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the City of Bombay Police (Amendment) Act, 1946.

Bom. IV of 1902.

Amendment of section 27 of Bom. IV of 1902.

2. In section 27 of the City of Bombay Police Act, 1902 (hereinafter called "the said Act"),—

(*a*) in sub-section (*1*) for the words "to such place or places, by such route or routes" the words "outside the Province or to such place within the Province and by such route" shall be substituted;

(*b*) in sub-section (*2A*) for the words "more than twice of offences" the words "of any offence" shall be substituted and the words "and if such person was not born in the Thana District, not to enter the Thana District also. A copy of such direction shall be forwarded to the Magistrate of the Thana District" shall be deleted;

(*c*) in sub-section (*2B*) the words "or the Thana District" shall be deleted;

(*d*) in clause (*iii*) of sub-section (*2C*) for the words beginning with the words "by an order" and ending

with the words "shall prescribe" the following shall be substituted, namely :—

"(*1*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person—

(*a*) so to conduct himself as the Commissioner of Police shall deem necessary in order to prevent the disturbance of the peace,

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Commissioner of Police shall prescribe,

or

(*2*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

Provided further that any order made under this clause shall cease to have effect on the proclamation of emergency ceasing to operate."

(*e*) for clauses (*iv*), (*v*), (*vi*) and (*vii*) of sub-section (*2C*) the following clauses shall be substituted, namely :—

"(*iv*) The Commissioner of Police shall forthwith submit to the Provincial Government a copy of every order of detention made under clause (*iii*) together with the grounds on which it is made.

(*v*) So long as there is in force in respect of any person an order of detention passed under clause (*iii*), he shall be liable to be detained in such place and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf."

(*f*) for sub-section (*3*) the following shall be substituted, namely :—

Procedure on failure of persons to leave Greater Bombay and his entry therein after removal.

"(*3*) If a person to whom a direction has been issued under this section to remove himself from Greater Bombay—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the Commissioner of Police, enters Greater Bombay—

(*a*) if the direction was issued under sub-section (*1*), within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*2*) or *2A*, at any time,

(*c*) if the direction was issued under sub-section (*2C*) during the continuance of the proclamation of emergency,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Greater Bombay as he may in each case prescribe.

(*3A*) Notwithstanding anything contained in sub-section (*3*) any person entering Greater Bombay in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause shall be punished with imprisonment for a term which may extend to two years but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine."

Amendment of section 33 of Bom. IV of 1902.

3. In section 33 of the said Act, in clause () the figures "121" shall be deleted.

Amendment of section 127 of Bom. IV of 1902.

4. In section 127 of the said Act, for clause (*ii*) the following shall be substituted, namely:—

"(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23 or an order made under sub-section (*1*) of section 24 or 25, or in any case falling under clause (*c*) of this section be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine;"

Deletion of section 128 of Bom. IV of 1902.

5. Section 128 of the said Act shall be deleted.

Saving of directions made under section 27 (*2A*) of Bom. IV of 1902.

6. Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902, prohibiting the entry of any person into the Thana District, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Magistrate of the Thana District under sub-section (*4*) of section 46 of the Bombay District Police Act, 1890.

Bom. IV of 1902.

Bom. IV of 1890.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XX OF 1946]

(As read for the third time and passed by the Legislative Assembly on the 24th September 1946.)

(As read for the third time and passed by the Legislative Council on the 25th September 1946)

An Act to amend the City of Bombay Police Act, 1902

[MR. MORARJI R. DESAI, M.L.A.]

PRINTED AT THE YERAVDA PRISON PRESS, POONA.

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L. A. BILL No. XX OF 1946.

A Bill to amend the City of Bombay Police Act, 1902.

(As read for the third time and passed by the Legislative Assembly on the 24th September 1946.)

WHEREAS it is expedient to amend the City of Bombay Police Act, 1902, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Bom. IV of 1902.

1. This Act may be called the City of Bombay Police (Amendment) Act, 1946. Short title.

2. In section 27 of the City of Bombay Police Act, 1902 (hereinafter called "the said Act"),— Amendment of section 27 of Bom. IV of 1902.

Bom. IV of 1902.

(*a*) in sub-section (*1*) for the words "to such place or places, by such route or routes" the words "outside the Province or to such place within the Province and by such route" shall be substituted;

(*b*) in sub-section (*2A*) the words "more than ..., and the words "and if such person was not born in the Thana District, not to enter the Thana District also. A copy of such direction shall be forwarded to the Magistrate of the Thana District" shall be deleted;

(*c*) in sub-section (*2B*) the words "or the Thana District" shall be deleted;

(*d*) in clause (*iii*) of sub-section (*2C*) for the words beginning with the words "by an order" and ending

with the words "shall prescribe" the following shall be substituted, namely :—

"(*1*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person—

(*a*) so to conduct himself as the Commissioner of Police shall deem necessary in order to prevent the disturbance of the peace,

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Commissioner of Police shall prescribe,

or

(*2*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

Provided further that any order made under this clause shall cease to have effect on the proclamation of emergency ceasing to operate."

(*e*) for clauses (*iv*), (*v*), (*vi*) and (*vii*) of sub-section (*2C*) the following clauses shall be substituted, namely :—

"(*iv*) The Commissioner of Police shall forthwith submit to the Provincial Government a copy of every order of detention made under clause (*iii*) together with the grounds on which it is made.

(*v*) So long as there is in force in respect of any person an order of detention passed under clause (*iii*), he shall be liable to be detained in such place and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf."

(*f*) for sub-section (*3*) the following shall be substituted, namely :—

Procedure on failure of persons to leave Greater Bombay and his entry therein after removal.

"(*3*) If a person to whom a direction has been issued under this section to remove himself from Greater Bombay—

(*i*) fails to remove himself

or

(*ii*) having removed himself, except with the permission in writing of the Commissioner of Police, enters Greater Bombay—

(*a*) if the direction was issued under sub-section (*1*), within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*2*) or (*2A*), at any time,

(*c*) if the direction was issued under sub-section (*2C*) during the continuance of the proclamation of emergency,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Greater Bombay as he may in each case prescribe.

(*3A*) Notwithstanding anything contained in sub-section (*3*) any person entering Greater Bombay in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause shall be punished with imprisonment for a term which may extend to two years but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine."

Amendment of section 33 of Bom. IV of 1902.

3. In section 33 of the said Act, in clause (*i*) the figures "121" shall be deleted.

Amendment of section 127 of Bom. IV of 1902.

4. In section 127 of the said Act, for clause (*ii*) the following shall be substituted, namely :—

"(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23 or an order made under sub-section (*1*) of section 24 or 25, or in any case falling under clause (*c*) of this section be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine;"

Deletion of section 128 of Bom. IV of 1902.

5. Section 128 of the said Act shall be deleted.

Saving of directions made under section 27 (*2A*) of Bom. IV of 1902.

6. Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902, prohibiting the entry of any person into the Thana District, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Magistrate of the Thana District under sub-section (*4*) of section 46 of the Bombay District Police Act, 1890.

Bom. IV of 1902.

Bom. IV of 1890.

STATEMENT OF OBJECTS AND REASONS.

Disturbances in Bombay City in recent years have shown the desirability of increasing the powers of the Commissioner of Police to deal with public disorders.

It has been found that the existing powers of the Commissioner of Police of externment are not sufficient. It has, therefore, been provided that the Commissioner of Police may extern the persons concerned to any place within the Province or outside the Province. It is also proposed to give the Commissioner of Police power during the pendency of a proclamation of emergency to detain any person, whose movements are considered likely to be dangerous to the public peace, for a period not exceeding 15 days at a time or for more than two months in all without the order of the Provincial Government.

Enhanced penalties are also provided for offences against orders of the Commissioner of Police taking action to prevent riots or other public disorders.

24th August 1946. MORARJI DESAI.